

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS: CRIMINAL TERM: PART 1
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THE PEOPLE OF THE STATE OF NEW YORK

Indictment No.

- against -

13525-96

AFFIDAVIT

JOHN O'HARA
-----X


I, JUAN PEREZ, being duly sworn deposes and says:

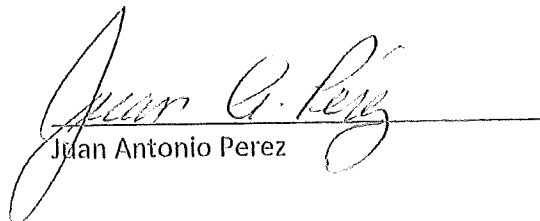
1. I live at 500 Ave L NW, Apt 1010, Winter Haven, Florida 33881.
2. I have prepared this affidavit on behalf of John O'Hara and it is the truth.
3. I have known John O'Hara since 1987, as a result of working on various campaigns, including the David Dinkins mayoral campaign and other local political campaigns.
4. During that time, I lived in Brooklyn at 374 55th Street, Apartment 1-A, Brooklyn, New York 11220.
5. In September of 1992, John and I ran for the same seat in the New York State Assembly, for the 51st Assembly District.
6. In 1993, we worked together on David Dinkins Mayoral campaign.
7. During this period, I would meet John at his home, located at 553 47th Street in Brooklyn, and we would canvass the area drumming up support for various candidates.
8. On those occasions, I would meet him at the 47th street address where he lived, and we would then go out and canvass.

9. In 1996, I was approached by John, who indicated that he was being charged with voting at a bogus residence on 47th street and that the case was scheduled to go to trial.
10. I had met John on many occasions at the 47th street address where he lived and could not believe it was an issue.
11. John asked me to be a witness at his trial to testify that he actually lived at 47th Street, and that I had met him there frequently over the time period in question. As I believed it to be the truth, I agreed to testify on his behalf.
12. On or about May 6, 1997, I testified under oath about canvassing with Mr. O'Hara, our 1992 campaign, the campaign for NYC Mayor, and my visits to 553 47th Street to meet with Mr. O'Hara at his home.
13. Despite my testimony, John was found guilty. However, his conviction was over turned and he again asked me to testify at the retrial. I, of course agreed.
14. Shortly before the retrial was to begin, the prosecutor who cross examined me at John's first Trial, ADA O'Mara, appeared unannounced at my home very early in the morning.
15. He threatened me, saying that if I testified for John O'Hara and he went down, "I would go down with him".
16. He further threatened me, saying that if I testified consistent with my testimony at the first trial, I could be prosecuted for perjury, and if that happened I would lose my Section -8 housing, meaning me and my children would be without a home.
17. I was terribly frightened by the threats made against me and my family by ADA O'Mara. As a result of the threats, I did not contact John or his lawyers when they tried to reach me to testify at the next two trials.

18. I learned that John was convicted at the third trial. I did not speak to John for many years after that.
19. The thoughts of John's conviction disturbed me for years. I never revealed the threats against me by Mr. O'Mara until about a year ago.
20. Recently, I read articles in the newspaper about John's case. As a result, I contacted John. For the first time, I explained the circumstances of the threats from ADA O'Mara and that the threat caused me to not testify on John's behalf at the next two trials.
21. In the spring of 2016, I was contacted by someone who indicated that he was an investigator from the Brooklyn District Attorney's office. I told him what happened as I am telling them here and that an injustice had occurred.
22. I told him that I would be willing to be interviewed or to testify about these facts. I have not been contacted by the Brooklyn District Attorney's office since.
23. I feel horrible that John was convicted, especially because of my knowing that he did reside at the 47th Street address. I would be willing to testify at any proceeding to explain in person the circumstances of why I was intimidated not to appear in court in behalf of John.

Dated: December 6, 2016
Winter Haven, Florida


JENNIFER L. JAMES
NOTARY PUBLIC STATE OF NEW YORK
NO. 02KE6218366
QUALIFIED IN SUFFOLK COUNTY
COMMISSION EXPIRES 3-01-20 18


Juan Antonio Perez

Sworn to me 12/6/16